

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OMAR MARTIN,

Plaintiff,

v.

KNIGHT,

Defendant.

No. 1:22-cv-01582-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

Doc. 50

Plaintiff Omar Martin is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff's first amended complaint against defendant Knight for deliberate indifference in violation of the Eighth Amendment. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 17, 2025, the assigned magistrate judge issued findings and recommendations that recommended dismissal of this action based on plaintiff's failure to prosecute. Doc. 50. Specifically, the magistrate judge found that plaintiff's failure to file a timely change of address in compliance with Local Rule 183(b) and failure to otherwise communicate with the Court warranted dismissal of this action without prejudice. *Id.* at 2–3. The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen days after service. *Id.* at 3. The findings and

1 recommendations served on plaintiff were returned as “Undeliverable, Insufficient Address, Not
2 Deliverable as Addressed” on September 25, 2025.¹ *See docket*. Defendant did not file
3 objections, and the deadline to do so has expired.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
5 no review of this case. Having carefully reviewed the file, the Court finds that the findings and
6 recommendations are supported by the record and by proper analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued on September 17, 2025, Doc. 50, are
9 adopted in full;
- 10 2. This action is dismissed without prejudice due to plaintiff’s failure to prosecute;
11 and
- 12 3. The Clerk of the Court is directed to close this case.

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15 IT IS SO ORDERED.

16 Dated: October 21, 2025



UNITED STATES DISTRICT JUDGE

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27 ¹ Though the findings and recommendations served on plaintiff were returned as undeliverable,
28 they were properly served. *See* L.R. 182(f) (absent notice of a pro se party’s change of address,
service of documents at the prior address of record is fully effective).